

**MINUTES
OF THE
REGULAR MEETING OF THE
ELECTIONS COMMISSION**

**DECEMBER 2, 2009
STATE CAPITOL, ROOM 312
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Margaret Masunaga
Mr. Brian Nakashima
Mr. Harold Nelson
Ms. Zale Okazaki
Ms. Donna Soares
Ms. Yuki Lei Sugimura
Mr. Daniel Young

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Kevin Cronin, Chief Election Officer
Ms. Ciress Cuevo, Office of Elections
Mr. Aaron Schulaner, Office of Elections
Mr. Russell Suzuki, Department of the Attorney General
Mr. Richard Thomason, Department of the Attorney General

Guests in Attendance:

Ms. Jean Aoki, League of Women Voters
Ms. Jo Kamae Byrne, Common Cause Hawaii
Mr. Bart Dame
Mr. Derrick DePledge, Honolulu Advertiser
Mr. Charles Freedman, Democratic Party of Hawaii
Mr. Larry Gellar
Mr. Craig Gima, Honolulu Star Bulletin
Mr. Daryl Huff, KITV4
Mr. Chadd Kadota, Honolulu City Clerk's Office
Mr. Jeffrey Kuwada, Maui County Clerk
Ms. Nikki Love, Common Cause Hawaii
Ms. Bernice Mau, Honolulu City Clerk

Mr. Jim Mendoza, KGMB9
Ms. Pat Nakamoto, Hawaii County Clerk's Office
Mr. Herbert Sample, Associated Press
Ms. Susan Santangelo
Mr. Glen Takahashi, Honolulu City Clerk's Office
Ms. Vicki Viotti, Honolulu Advertiser
Ms. Sandi Yahiro, Department of Accounting & General Services
Mr. Lyndon Yoshioka, Kauai County Clerk's Office

PROCEEDINGS

I. Call to Order

The meeting was called to order by Chair William Marston at 10:15 a.m. on December 2, 2009 at the State Capitol in room 312.

II. Swearing in of New Commissioner: Ms. Margaret Masunaga

Ms. Robyn Chun, Deputy Attorney General swore in Ms. Masunaga as a Commissioner.

III. Roll Call and Determination of a Quorum

Ms. Ciress Cuevo, Elections Commission Secretary conducted roll call. Mr. Richard Swift was absent.

IV. Approval of Minutes of Meeting of October 13, 2009

Ms. Donna Soares moved to approve the minutes of the meeting of October 13, 2009. Ms. Yuki Lei Sugimura seconded, and the motion carried unanimously.

V. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

Mr. Bart Dame provided oral testimony expressing his concerns regarding the unreleased funds for the Office of Elections and offered to provide his assistance to have the funds released. Mr. Dame also stated that he does not agree with the plan to close 97 polling places and that doing so would not provide any significant cost savings.

Ms. Jean Aoki, League of Women Voters (LOWV) provided oral testimony sharing her concerns for the upcoming elections. Ms. Aoki explained that the League of Women Voters reviewed the 2010 election plan to close polling places, understands the circumstances involved, but cannot accept the plan.

The LOWV and Common Cause will continue to try to help with talking to the Legislature to get the necessary funding for the Office of Elections.

Ms. Susan Santangelo provided oral testimony in support of the CEO and expressed her disappointment with the entire process and various individuals/groups involved that did not allow the Office of Elections to succeed.

Mr. Charles Freedman, Democratic Party of Hawaii provided oral testimony expressing the need to hire a competent CEO and work with the executive branch and administration to put an action plan together and begin resolving the problems. Mr. Freedman also stated that he does not agree with reducing the number of polling places, especially if it does not save money.

Mr. Larry Gellar provided oral testimony expressing his concerns regarding the budget cuts that have affected the Office of Elections and stated that every branch of government needs to be involved to fix this problem.

VI. Discussion of Reports Submitted to the Commission by the Chief Election Officer re: Association of Clerks & Election Officers of Hawaii October 26, 2009 Meeting, Office of Elections Financial Condition, Office of Elections Staff Status and Legal Report

In response to Commissioners' inquiries regarding the report, the CEO explained that the Office of Elections is in the early stages of the timeline with candidate filing training scheduled. However, the office is unable to work on items such as ballot layout due to the timing of the Request for Proposal (RFP) for the voting machines. The CEO noted that the 97 recommended polling place closures are due to staff capacity to administer the elections and that the counties identified the closures for the neighbor islands.

Mr. Harold Nelson moved to end the discussion on this item and go into executive session. Mr. Daniel Young seconded.

The media requested that Chair Marston clarify the purpose of going into executive session. Chair Marston explained that the Commission will move on to the next agenda item, which is in executive session.

Ms. Sugimura asked if the CEO would like to speak more about his report. The CEO chose to standby his report and was open to taking questions.

Ms. Margaret Masunaga asked that the floor remain open for public comment on this item.

Mr. Daniel Young withdrew his second.

Ms. Jean Aoki stated that the plan to increase absentee voting will shift the cost and work to the counties and that the plan to close polling places does not save much money or time.

Ms. Jo Kamae Byrne, Common Cause Hawaii expressed her concern with Mr. Nelson's motion because it discourages public input, discussion, and sharing of information. Engaging in these discussions is in the best interest of everyone.

Mr. Harold Nelson withdrew his motion to go into executive session.

In response to the public's request, the CEO completed his reports on the status of the Office of Elections staff, budget, and further explained the 2010 elections plan.

VII. Executive Session

A. Pursuant to Haw. Rev. Stat. §92-5(4), consult with counsel regarding the commission's powers, duties, privileges, immunities and liabilities re:

1. Babson v. Cronin, Civil No. 08-10-378(3)
2. Procurement appeals (ES&S v. Cronin, Civil No. 08-101657-08, Hart InterCivic v. ES&S, Civil No. 08-1-1665-08, Cronin v. ES&S, Civil No 08-1-1680-08)

B. Pursuant to Haw. Rev. Stat. § §92-5(a)(2) and (4), evaluation of Chief Election Officer

Mr. Nelson moved for the Commission to go into executive session. Mr. Brian Nakashima seconded, and the motion carried unanimously.

The Commission resolved to executive session at 11:25 a.m. and reconvened in open meeting at 12:15 p.m.

Chair Marston announced that the Commission voted to accept the CEO's resignation effective December 31, 2009 and will move forward to find a replacement.

VIII. Adjournment

Chair Marston adjourned the meeting at 12:18 p.m. The next meeting date of the Elections Commission is to be determined.

Respectfully submitted,
Ciress Cuevo
Elections Commission Secretary